

C. W. HARRIS IN COURT.

HE MAKES A PLEA FOR A NEW TRIAL

AFFIDAVITS AND DENIALS THAT HELEN POTTS
TOOK MORPHINE—THE HEARING
POSTPONED.

The evidence on which Carlyle W. Harris hopes to get a new trial on the charge of poisoning his wife was held before Recorder Smyth in Part II of General Sessions yesterday. District-Attorney De Lancey Nicoll presented an exciting affidavit, and Harris himself made an address to the Recorder. Mr. Nicoll charged that some of the testimony for the defense was perjury. The case went over for another week.

The whole point of the affidavit which William F. Howe read was the allegation that Helen Potts was addicted to the use of morphine, and that the poison found in her body was knowingly administered by herself. The proceedings were of intense interest throughout, and they occupied the time of the court all day. Harris's beloved mother sat beside him. Mr. Howe prefaced reading it by saying that he would show that the morphine which caused Miss Potts's death was self-administered. He went on: "We shall show your Honor from recently acquired evidence that the testimony of important witnesses would have been changed if important individuals had the proofs we desire to submit had made public."

One affidavit was made by Carl Horner Hinsman, alias Peterson, who declared that Miss Potts had taken some morphine from his room at No. 216 West Twenty-ninth Street in October, 1889, when she was visiting a Miss Nellie Moore, the house of Miss Mary M. Frerette, in her affidavit, said that she knew Miss Potts, and that Miss Potts visited her daughter, Miss Ethel M. Harris, at her home, No. 126 West Thirty-sixth Street, in this city, in 1888, and also at No. 1,625 Walnut Street, Philadelphia. One morning, the day after Miss Potts had been to see Ethel, the witness's daughter slept late and could not be awakened for a long time, she explained afterward that she had taken a pill given her by Miss Potts.

Miss Ethel Harris deposed that she was eighteen years old, and had been on terms of continual intimacy with the family of George Potts, Helen's father, since her infancy. She also told of taking a pill given her by Helen, which made her sleep a long time. She took one of those pills at her home in this city and another in Asbury Park.

Susan F. R. Jackson formerly had a seminary for young women at One-hundred-and-twenty-fifth, and Fifth Avenue, at which Helen Potts was a pupil in 1887 or 1888. Miss Potts had said in the hearing of the defendant that she was in the habit of carrying opium or morphine, which she used to stop her headaches. A servant in the house of Dr. C. W. Trevoror, of Scranton, Penn., whom Miss Potts visited, being a relative, made an affidavit that she said she took some pills. Miss Potts had begged the defendant not to tell any one that she used morphine. Miss Franke Wallace, of No. 94 West One-hundred-and-fourth Street, made a statement that she knew Helen intimately at the Comstock School, where Helen died. Miss Potts had told several of her girl friends that she used morphine to stop her headaches. Miss Wallace had seen the pupils of her friend's eyes contracted to the diameter of a pin point.

Harris himself had made an affidavit. In this he said that he would have been acquitted had the evidence now been given at the trial. He did not censure his former counsel, but believed that had they allowed him to take the witness stand he would not have been found guilty. The document closed with these words:

I did not kill my wife.

I fondly loved her. Her picture looks down on me by day and by night in my lonely cell.

Not a reprob or a censure does it convey, and, on the brink of the grave, I can look upon her presentment and her memory and say: "Helen, before my God, you are innocent."

But, Mr. Recorder, the time will come when you too, must die. Remember all the incidents of my trial; and so remembering, can you sleep and feel that there is not a doubt of my innocence?

I swear I am innocent of the crime charged against me.

I am indeed a victim of the prejudice which formerly existed against me, but that prejudice has now, thank God, been removed.

The press, the public, feel and proclaim I am innocent.

Will you, God's agents here today, take my life?

Will you, in the name of justice, give me the opportunity, which I have now sworn to exist, to prove my innocence; or will you unjustly condemn my execution?

This is my last utterance to you.

May the great God of us all grant you to the right and avert the pang of conscience which you must ever feel, should you do my prayer for justice.

Mr. Howe read the statements of four jurors, who said that they would not have voted to find Harris guilty had the new evidence been introduced on the former trial.

Mr. Nicoll attacked these affidavits with others of weighty importance. George Potts and his wife both declared that they never knew Ethel M. Harris, or her mother, Mrs. Frerette. There were several persons named George Potts in Asbury Park in 1888-89. Mr. Nicoll declared that Mrs. Frerette and her daughter had committed perjury. The girl, he said, had been on the stage under the name of Edith Harris. He read the affidavit of William B. Spillit, a Philadelphia detective, who said that in 1887 he traced James N. Taggart, an embezzler, to the home of Mrs. Frerette, at No. 1,625 Walnut Street, Philadelphia. The woman admitted that she had been living with Taggart as his wife, but said that he had eloped with her daughter Ethel to Canada.

Joseph Lefferts, an Asbury Park druggist, had made affidavit that from June to September, 1880, he often sold morphine to Helen Potts. The girl's parents both declared that she was in Scranton and Homestead, Penn., at this time. They said that she had never visited any one in Philadelphia, other than me made by Mr. Howe's affidavits were also denied. Harris himself then read and said:

There are certain matters spoken of by the learned District-Attorney that can only apply to me. I can myself, I feel it is a privilege that perhaps the Court will extend to me to listen to me for a few moments; I feel it is a duty that I have to perform.

Recorder Smyth suggested that Harris's counsel might better be allowed to do the talking, but the prisoner went on:

For certain things coming from my lips, your Honor, mean more than in the lives even of the best lawyers, and your Honor, Mr. Howe, will know that case for him and Mr. Nicoll. The District-Attorney, for whose office I am most deeply grateful, has declined, and has presented the affidavits of people who declare, that I have attempted to defame the memory of my wife. Now, your Honor, I have never said to any living soul that my wife took morphine. I have told people that the evidence induced me to suspect it and later to believe it; but all the affidavits that the District-Attorney has brought to this court are negative affidavits, and if he brought a thousand more like them, he would still have left out the most important one, my own. I never knew my wife took morphine. God forbid that I should ever guess that Mr. and Mrs. Potts knew it, for if we had known it there would have been no necessity for this motion here to-day, and there would never have even been a trial if I had not got it.

When the District-Attorney goes to cross-examine me, he may make a remark that exhibits his hand; he made a remark that I think he would wish now he had not said, that mine was a case for Executive clemency at Albany. Now, Your Honor, if I am a guilty man, I am guilty of the greatest crimes that ever blushed the page of history, and if I am innocent—I am not guilty of it, there is no doubt about that; and if I am innocent I ought to walk abroad and labor for my living, and for the living of those who are near and dear to me, and who were reduced to poverty and want by the legitimate expenses of my first trial. I should not be sent with an appeal to

Swing Around the Circle

of the disease to which it is adapted with the best results.

Hostetter's Stomach Bitters, a family medicine,

comprehensive in its scope, has never been thrust upon public attention in the guise of a universal panacea for bodily ills.

This claim, daily averred in the columns of the daily press by the proprietors of medicines far inferior to it as specifics, has in a thousand instances disgraced the public in advance by its absurdity, and the prospects of other remedies of superior qualities have been handicapped by the pretensions of these worthless predecessors.

But the American people know, because they have verified the fact by the most trying tests, that Hostetter's possesses the virtues of a real specific in cases of material and liver disorder, constipation, nervous, rheumatic, stomach and kidney trouble. What it does it does thoroughly, and mainly for this reason it is endorsed and recommended by hosts of respectable medical men.

SNAP SHOTS AT HOME AND ABROAD.

George L. Brooks, of the Photographic Club, interested a large audience at the rooms of the New York Camera Club, No. 124 Fifth Avenue, last evening, with an exhibition of landscape slides.

He called his entertainment "Photographs pronounced his work excellent. He first showed some views of Ireland and its vicinity and then some of England, Spain and other foreign lands.

AN ENTERTAINMENT BY THE Y.M.C.A.

What the Young Men's Christian Association is doing

for the education of the youth of America is

described in the following extract from the

Twenty-third Annual Report of the Board of Directors of the Y.M.C.A. of the United States and Canada.

The report shows that the Y.M.C.A. has

done much for the promotion of healthful exercise

to its members, has in a thousand instances

disgraced the public in advance by its absurdity, and the

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Albany for Executive clemency, and I should not be locked up in Sing Sing for life or for a long term of years, to go insane or die in the face of such evidence as has been presented here to-day.

Whether the law is true or not I don't know, perhaps it is, perhaps it does not. I think the law is not the law of God, or of man, to say it is for the jury to decide. It is that which is true, if one of those affidavits is true, there are any doubts about our innocence it is.

The District-Attorney saw fit to call the poor little affidavit in to give a kindly talk to the jury. I think that I told him that it was to be the poor little affidavit that was allowed to make and send down here. I have seen parts of the Penal Code since I have been in the Tombs, but I have not studied very much law, you know. I did not know that I could not file it in a complaint summing up the case in an affidavit, so that I could have written out and sworn to the testimony that I could like to have given on the stand. He had said that, so I thought I could have done it, you may be sure that I would have done it.

I want to call your attention to one fact. A physician, as to whom I have no knowledge, came to me to advise him that he would be in trouble with the law if he would not file the only copy that I ever had. I could not help him that after I had given the only one that I had to the Coroner. Yet that was his honest conclusion of it.

The Court—You said you had two copies; that one was the Coroner's copy, and you took for it.

Harris—I told the Coroner I had two, yes, sir; but I went to look for them and I found none. The fact of the matter was that I told him that no Coroner's jury—just that would get into trouble with the Coroner's jury—I told him that no Coroner's jury would blame me for the prescription that I kept a capsule and had given it to the Coroner, and that the Coroner would show where the prescription was given to him. These are matters of small importance, only a few words, but that little difference is just the difference between the truth and the half-truths.

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